IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.437 OF 2006

In

CRIMINAL APPEAL NO.405 OF 2006

Kamal Jaykumar @ Kumen Dhengale : Applicant

(Accused - 1)

V/s.

State of Maharashtra : Respondent

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Mr.P.R.Arjunwadkar for the applicant.

Mr.V.B.Konde-Deshmukh, Addl. Public Prosecutor for the State.

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CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : JUNE 26, 2006.

P.C.

1. Heard the learned Advocate for the applicant and the learned Addl. Public Prosecutor for the State.

2. The applicant has been convicted with others for offences under sections 498A and 302 of the Indian Penal Code. The learned counsel pointed out that while trial was going on, the accused had applied for copies of dying declaration, but the trial Court rejected that prayer.

Our attention has been drawn by the Advocate for the accused-applicant that a copy of the order is annexed to the bail application. Even the learned Addl. Sessions Judge, Solapur, in her order dated 15.6.2005 has taken note of certain dying declaration. Admittedly, there are more than one dying declarations, but those copies are not made available to the accused. Apart from this, the accused-applicant is a woman, aged about 41 years old. She was on bail during trial.

3. In the circumstances, this application is allowed. The applicant be released on bail on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one or two sureties in the like amount.

D.G. DESHPANDE, J.

S.A. BOBDE, J.